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January 12, 2015

VIA ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2101
New York, NY 10007

Re: *PCVST Mezzco 4, LLC, et al., v. Wachovia Bank Commercial Mortg. Trust 2007-C30, et al.*, 14 Civ. 6023 (S.D.N.Y.) (AJN)

Dear Judge Nathan:

On Plaintiffs' behalf, we write to seek the Court's guidance on whether the parties may commence discovery now, while the motion to remand remains pending.

As the Court will recall, during the court conference on November 7, 2014, the Court indicated that discovery would be permitted once Plaintiffs filed an amended complaint – notwithstanding the pendency of any motion to dismiss. 11/7/14 Hr'g Tr. at 12:22-24 (“I am not generally a put discovery on hold during the pendency of motions type of judge, but I don't like the fact that we don't have the pleading that's operative.”). Plaintiffs filed their Amended Complaint on November 21, 2014. On December 22, Defendants filed their motion to dismiss, and Plaintiffs' opposition is due on January 21, 2014 (unless remand is granted in the interim). Consistent with our understanding of the Court's position, Plaintiffs requested that Defendants commence discovery, starting with a Rule 26(f) conference. Defendants have declined, quoting your Honor's statement towards the conclusion of the conference that “[a]fter I resolve the remand motion, if the case stays with me, during the pendency of the dismissal motion, I will get discovery started.” *Id.* at 13:21-14:1. Defendants contend that your Honor thus set the ruling on the remand motion as the trigger point for discovery (assuming your Honor keeps this case).

We have explained to Defendants that while we appreciate that the Court is considering Defendants' remand motion, we believe that discovery will proceed in either this Court or New York Supreme and, thus, should get started. We therefore ask the Court for permission to move forward with discovery.

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Respectfully submitted,

/s/ Michael B. Carlinsky

Michael B. Carlinsky

cc: Counsel of Record (via ECF)